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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,064	10/06/2000	Gordon Ian Rowlandson	39199-9511-00	2853

7590 01/23/2007
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EXAMINER

LE, LINH GIANG

ART UNIT	PAPER NUMBER
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3626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/684,064	ROWLANDSON, GORDON IAN	
	Examiner	Art Unit	
	Linh-Giang Le	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>051503; 081202</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Claim Rejections - 35 USC § 112

2. The rejections under 35 USC 112 have been withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6-29, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Selvester (6,230,048). Claims 5 and 30 have been cancelled.

5. As per claim 1, Selvester teaches a method of providing real-time decision support in the review of physiological data (Selvester; Abstract), the method comprising:

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establishing a library of interpreted physiological data records (Selvester; Col. 2, lines 13-25);

gathering the physiological data (Selvester; Col. 3, lines 19-21);

interpreting the physiological data based on a predetermined set of criteria such that a separate interpretation is generated (Selvester; Col.3, lines 21-24), wherein the interpreting step includes:

measuring the physiological data (Selvester; Col. 3, lines 19-21);

analyzing a set of characteristics associated with the physiological data (Selvester; Col.3, lines 21-24);

extracting one or more patterns from the physiological data to generate the separate interpretation (Selvester; Col. 3, line 66 to Col. 4, line23); and

comparing the separate interpretation from the physiological data to a set of known patterns (Selvester; Col. 16, lines 14-21);

correlating the separate interpretation to one or more of the physiological data records in the library of physiological data records (Col. 15, lines 14-21); and

displaying the separate interpretation and the correlated physiological data records on a display (Selvester; Col. 20, lines 49-57).

6. As per claim 2, Selvester teaches a method as claimed in claim 1, further comprising:

establishing a communications link to an expert location (Selvester; Col. 3, lines 16-34);

transmitting information concerning the interpretation to the expert location
(Selvester; Col. 3, lines 16-34);

and displaying a communication from the expert location on the display
(Selvester; Col. 3, lines 16-34).

7. As per claim 3, Selvester teaches a method as claimed in claim 2, wherein transmitting information concerning the interpretation includes transmitting a text message (Selvester; Col. 4, lines 42-48). Examiner interprets "written report" as a form of "text message."

8. As per claim 4, Selvester teaches a method as claimed in claim 2, wherein transmitting information concerning the interpretation includes transmitting a voice message (Selvester; Col. 4, lines 42-48). Examiner interprets a "voice message" to be an "appropriate alarm signal."

9. As per claim 6, Selvester teaches a method as claimed in claim 1, further comprising determining whether the one or more extracted patterns match one or more patterns in the set of known patterns (Selvester; Col. 16, lines 14-26).

10. As per claim 7, Selvester teaches a method as claimed in claim 1, further comprising:

creating a library of education materials (Selvester; Col. 2, lines 16-25); and

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displaying a predetermined portion of the education materials on the display (Selvester; Col. 20, lines 49-57).

11. As per claim 8, Selvester teaches further comprising displaying a message based on the interpretation on the display (Selvester; Col. 2, lines 42-48).

12. As per claim 9, Selvester teaches a method as claimed in claim 1, further comprising displaying the physiological data on the display (Selvester; Col. 3, lines 24-34).

13. Claims 10 and 11 repeat the limitations of claim 1 and the reasons for rejection are incorporated herein.

14. Claim 12 repeats the limitations of claim 2 and the reasons for rejection are incorporated herein.

15. As per claim 13, Selvester teaches wherein the expert location is a portal (Selvester; Col. 10, lines 51-54).

16. As per claim 14, Selvester teaches wherein the acquisition device includes an information filter (Selvester; lines 48-53).

17. As per claim 15, Selvester teaches wherein the acquisition device includes a communication module capable of transmitting messages to and receiving messages from the expert location (Col. 4, lines 42-48).

18. Claims 16 and 17 repeat limitations of claims 3 and 4 and the reasons for rejection are incorporated herein.

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19. As per claim 18, Selvester teaches further comprising a server coupled to the acquisition device, and wherein the library of physiological records is located on the server (Selvester; Col. 8, lines 25-50).

20. Claim 19 repeats the limitations of claim 7 and the reasons for rejection are incorporated herein.

21. As per claims 20 and 21, Selvester teaches:

Wherein the library of physiological data includes ECG data (Selvester; Col. 2, lines 27-35);

Wherein the acquisition device is an ECG acquisition device (Selvester; Col. 1, lines 14-25).

22. As per claim 22, Selvester teaches wherein the acquisition device includes a browser (Selvester; Col. 6, lines 48-52).

23. Claim 23 repeats the limitations of claim 3 and the reasons for rejection are incorporated herein.

24. As per claim 24, Selvester teaches wherein the acquisition module includes a confirmation module to confirm the integrity of the physiological data (Selvester ; Col. 6, lines 52-56).

25. Claim 25 repeats the limitations of claims 1 and 24 and the reasons for rejection are incorporated herein.

26. Claim 26 repeats the limitations of claim 20 and the reasons for rejection are incorporated herein.

27. Claim 27 repeats the limitations of claim 2 and the reasons for rejection are incorporated herein.

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28. Claims 28 and 29 repeat the limitations of claims 3 and 4 and the reasons for rejection are incorporated herein.

29. Claim 31 repeats the limitations of claims 7 and 19 and the reasons for rejection are incorporated herein.

Response to Arguments

30. Applicant's arguments with respect to claims 1-4, 6-29, and 31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Linh-Giang Le whose telephone number is 571-272-8207. The examiner can normally be reached on 8 AM - 5PM, M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LLe



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